

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address LAW OFFICE OF JASON B. CRUZ JASON B. CRUZ (SBN 203133) 18 E. State Street, Suite 203 Redlands, California 92373 Telephone: (909) 792-4400 jcruz@jcruzlaw.com <input type="checkbox"/> Debtor(s) appearing without an attorney <input checked="" type="checkbox"/> Attorney for: Debtor/Movant Dennis Keith Olsen	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION	
In re: DENNIS KEITH OLSEN,	CASE NO.: 6:14-bk-23600-MJ CHAPTER: 7
	NOTICE OF MOTION FOR ORDER WITHOUT A HEARING [LBR 9013-1(p) or (q)]
Debtor(s).	[No hearing required]

TO THE U.S. TRUSTEE AND ALL PARTIES ENTITLED TO NOTICE, PLEASE TAKE NOTICE THAT:

- Movant(s) DENNIS KEITH OLSEN,
filed a motion or application (Motion) entitled Motion to Reopen Case to File Motion for Contempt and Sanctions against Scott A. Conwell, Esq. and Conwell Law, LLC, a Maryland LLC, for Violation of this Court's 09/12/2016 "Order Finding Scott A. Conwell, Esq. in Contempt for Violation of the Discharge Injunction and Granting Debtor's Motion for Sanctions" [Docket #48].
- Movant(s) requests that the court grant the motion without a hearing as provided for in:

☐ LBR 9013-1(p), which, in addition to notice via Notice of Electronic Filing, requires the motion to be served on additional parties as specified in LBR _____; or

☒ LBR 9013-1(q), which requires service of the motion only on parties via Notice of Electronic Filing.
- The motion is based upon the legal and factual grounds set forth in the motion. (*Check appropriate box below*):
☒ The full motion is attached to this notice; or
☐ The full motion was filed with the court as docket entry # ____, and a detailed description of the relief sought is attached to this notice.

4. Movant will promptly lodge an order that the court may use to rule on the motion, as the court may rule on the motion without a hearing and without an opportunity for any party to file a request for a hearing,.

Respectfully submitted,

Date: 03/05/2018

/s/ Jason B. Cruz

Signature of Movant or attorney for Movant

Jason B. Cruz

Printed name of Movant or attorney for Movant

LAW OFFICE OF JASON B. CRUZ
JASON B. CRUZ (SBN 203133)
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Redlands, California 92373
Telephone: (909) 792-4400
jcruz@jcruzlaw.com

Counsel for Debtor/Movant Dennis Keith Olsen

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
[RIVERSIDE DIVISION]**

DENNIS KEITH OLSEN,

Debtor / Movant,

vs.

SCOTT A. CONWELL, ESQ., and
CONWELL LAW, LLC, a Maryland
Limited Liability Company.

Respondents.

CASE NO.: 6:14-bk-23600-MJ

Chapter 7

**MOTION TO REOPEN CASE TO FILE MOTION FOR
CONTEMPT AND SANCTIONS AGAINST SCOTT A.
CONWELL, ESQ. and CONWELL LAW, LLC, a
Maryland Limited Liability Company, FOR
VIOLATION OF THIS COURT'S SEPTEMBER 12,
2016 "ORDER FINDING SCOTT A. CONWELL, ESQ. IN
CONTEMPT FOR VIOLATION OF THE DISCHARGE
INJUNCTION AND GRANTING DEBTOR'S MOTION
FOR SANCTIONS" [DOCKET #48]; DECLARATIONS
OF DEBTOR, JASON B. CRUZ, ESQ. and JEFFREY P.
NESSON, ESQ. IN SUPPORT THEREOF**

DENNIS KEITH OLSEN, ("Debtor" or "Movant") by and through his counsel of record, hereby moves this Court for an Order to Reopen this bankruptcy case to allow the Debtor to file a Motion for Contempt and Sanctions against SCOTT A. CONWELL, ESQ. and CONWELL LAW, LLC, a Maryland Limited Liability Company, ("Respondents") for violating this Court's September 12, 2016 "*Order Finding Scott A. Conwell, Esq. In Contempt for Violation of the Discharge Injunction and Granting Debtor's Motion for Sanctions*" [Docket #48] ("Motion"). This Motion is brought pursuant to 11 U.S.C. § 350(b) and is based on the Declarations of Debtor, Debtor's Counsel, and Co-Counsel attached hereto.

Dated: March 5, 2018

The Law Office of Jason B. Cruz

/s/ Jason B. Cruz

Jason B. Cruz

Counsel for Debtor/Movant Dennis Keith Olsen

**DECLARATION OF DEBTOR IN SUPPORT OF
MOTION TO REOPEN BANKRUPTCY CASE**

I, DENNIS KEITH OLSEN, am over the age of eighteen years and declare the following:

1. On November 4, 2014, my attorney, Jason B. Cruz, Esq. ("Cruz") filed this Chapter 7 bankruptcy case for me and my co-debtor wife, Susan Joan Kendall-Olsen.

2. On or about December 3, 2014, Cruz filed an Amended Schedule F and list of creditors to include my former divorce attorney, Scott A. Conwell, Esq. and Conwell Law, LLC ("Respondents"), in Maryland. Respondents were sent notice and subsequently filed a secured Proof of Claim on December 18, 2015 and Request for Notice on December 19, 2015.

3. The Discharge Order was entered on February 17, 2015. There is no dispute that Respondents' debt was discharged.

4. Through it all, Respondents filed a series of Affidavits of Attorney's Liens and Motions to Enforce Attorney's Liens in the closed Maryland divorce case.

5. Respondents have no legitimate lien on any of Debtor's assets; the only assets Respondents have attempted to reach are exempt, including an IRA account and disability income policy.

6. By May 2015, Respondents' actions in Maryland had become so egregious that I filed a grievance with Maryland State Bar. A hearing is set for March 5 - 7, 2018.

7. In June 2015, I hired counsel to send Respondents a demand for potential relief and damages for violation of the bankruptcy discharge, which Respondents summarily ignored.

8. On August 3, 2015, the Maryland judge issued a Court Directive on Respondents' motions requiring I respond by August 27, 2015 and I was forced to retain Maryland attorney, Jeffrey P. Nesson ("Nesson"), an expert in family and bankruptcy law.

9. On August 25, 2015, Nesson filed a Motion to Dismiss Motion to Enforce Attorney's Liens. On December 8, 2015, the Circuit Court for Anne Arundel County entered its Order Denying the Third-Party Movant Conwell Law LLC's Motion to Enforce Attorney's Liens.

10. On January 7, 2016, Respondents appealed the Maryland court's ruling.

1 11. Subsequently, on March 4, 2016, Cruz filed a Motion to Reopen Bankruptcy Case
2 for Violation of Discharge Injunction under 11 U.S.C. § 524 (Ch 7) for Contempt and Sanctions
3 Against Scott A. Conwell, Esq. for Violation of the Automatic Stay and Discharge Injunction
4 [Docket #27] ("Original Motion"). The Court reopened the case on March 7, 2016 [Docket #29].

5 12. The Notice of Motion and Motion for Order to Show Cause Why Scott A. Conwell,
6 Esq. Should Not Be Held in Contempt of Court for Violation of the Discharge Injunction was filed
7 on April 6, 2016 ("First Contempt Motion") [Docket #37]; the Order setting hearing on Order to
8 Show Cause was entered on April 14, 2016 [Docket #39]; and served on Respondents on April 15,
9 2016 [Proof of Service at Docket #41].

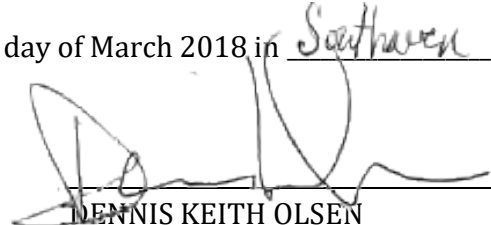
10 13. Respondents failed to answer or appear at the May 24, 2016 hearing and the Court
11 granted the First Contempt Motion [Docket #43]. The final Order finding Scott A. Conwell, Esq.
12 in Contempt for Violation of the Discharge Injunction and Granting Debtor's Motion for Sanctions
13 was entered on September 12, 2016 ("Original Order") [Docket #48] and properly served on
14 Respondents.

15 14. Respondents have violated the Original Order – the Appeal was not dismissed, and
16 no payments have been made.

17 15. I have ample evidence to support this new Motion for Contempt and Sanctions for
18 Violation of the Original Order.

19 The foregoing is stated under penalty of perjury under the laws of the United States of
20 America. If called to testify to the above, I could do so.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct, executed this 5th day of March 2018 in Seathaven, MS

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**DECLARATION OF JASON B. CRUZ IN SUPPORT OF
MOTION TO REOPEN BANKRUPTCY CASE**

I, JASON B. CRUZ, am over the age of eighteen years and declare as follows:

1. I am duly admitted to practice law in the courts of the State of California and both the United States District and Bankruptcy Courts for the Central District of California, and I am a member of the Law Office of Jason B. Cruz ("Cruz"), counsel for Debtors, Dennis Keith Olsen ("Debtor" or "Movant") and Susan Joan Kendall-Olsen (collectively, "Debtors") in this case.

2. I make this declaration in support of Movant's Motion to Reopen Case to File a Motion for Contempt and Sanctions against SCOTT A. CONWELL, ESQ. and CONWELL LAW, LLC, a Maryland Limited Liability Company, ("Respondents") for violating this Court's September 12, 2016 "*Order Finding Scott A. Conwell, Esq. In Contempt for Violation of the Discharge Injunction and Granting Debtor's Motion for Sanctions*" [Docket #48] ("Motion").

3. On November 4, 2014, I filed this Chapter 7 bankruptcy case on behalf of the Debtors.

4. On or about December 3, 2014, I filed an Amended Schedule F and list of creditors to include Movant's former divorce attorney, Scott A. Conwell, Esq. and Conwell Law, LLC ("Respondents"), in Maryland.

5. Respondents were sent notice and subsequently filed a secured Proof of Claim on December 18, 2015 and Request for Notice on December 19, 2015.

6. The Discharge Order was entered on February 17, 2015. There is no dispute that Respondents' debt was discharged.

7. Through it all, Respondents filed a series of Affidavits of Attorney's Liens and Motions to Enforce Attorney's Liens in the closed Maryland divorce case.

8. By May 2015, Respondents' actions in Maryland had become so egregious that Movant filed a grievance with Maryland State Bar. A hearing is set for March 5-7, 2018.

9. In June 2015, Movant hired counsel to send Respondents a demand for potential relief and damages for violation of the bankruptcy discharge, which Respondents summarily ignored.

1 10. On August 3, 2015, the Maryland judge issued a Court Directive on Respondents'
2 motions requiring Movant respond by August 27, 2015.

3 11. Movant contacted me, and I referred him to Maryland attorney, Jeffrey P. Nesson
4 ("Nesson"), an attorney with extensive experience in family and bankruptcy law.

5 12. On August 25, 2015, Nesson filed a Motion to Dismiss Motion to Enforce Attorney's
6 Lien and a Motion for Attorney Fee's under MD. Rule 1-341. On December 8, 2015, the Circuit
7 Court for Anne Arundel County entered its Order Denying the Third-Party Movant Conwell Law
8 LLC's Motion to Enforce Attorney's Liens.

9 13. On January 7, 2016, Respondents appealed the Maryland court's ruling.

10 14. Subsequently, on March 4, 2016, I filed a Motion to Reopen Bankruptcy Case for
11 Violation of Discharge Injunction under 11 U.S.C. § 524 (Ch 7) for Contempt and Sanctions
12 Against Scott A. Conwell, Esq. for Violation of the Automatic Stay and Discharge Injunction
13 [Docket #27] ("Original Motion"). The Court reopened the case on March 7, 2016 [Docket #29].

14 15. The Notice of Motion and Motion for Order to Show Cause Why Scott A. Conwell,
15 Esq. Should Not Be Held in Contempt of Court for Violation of the Discharge Injunction was filed
16 on April 6, 2016 ("First Contempt Motion") [Docket #37]; the Order setting hearing on Order to
17 Show Cause was entered on April 14, 2016 [Docket #39]; and served on Respondents on April 15,
18 2016 [Proof of Service at Docket #41].

19 16. Respondents failed to answer or appear at the May 24, 2016 hearing and the Court
20 granted the First Contempt Motion [Docket #43]. The final Order finding Scott A. Conwell, Esq.
21 in Contempt for Violation of the Discharge Injunction and Granting Debtor's Motion for Sanctions
22 was entered on September 12, 2016 ("Original Order") [Docket #48] and properly served on
23 Respondents.

24 17. Respondents have violated the Original Order – the Appeal was not dismissed, and
25 no payments have been made. There is ample evidence to support this new Motion for Contempt
26 and Sanctions for Violation of the Original Order.

27 The foregoing is stated under penalty of perjury under the laws of the United States of
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1 America. If called to testify to the above, I could do so.

2 I declare under penalty of perjury under the laws of the United States of America that the
3 foregoing is true and correct, executed this 5th day of March 2018, in Redlands, California.

4 LAW OFFICE OF JASON B. CRUZ

5 /s/ Jason B. Cruz

6 Jason B. Cruz

7 Counsel for Debtor/Movant Dennis Keith Olsen

**DECLARATION OF JEFFREY P. NESSON IN SUPPORT OF
MOTION TO REOPEN BANKRUPTCY CASE**

I, JEFFREY P. NESSON, am over the age of eighteen years and declare as follows:

1. I am duly admitted to practice law in the courts of the State of Maryland and both the United States District and Bankruptcy Courts for the District of Maryland. I am counsel for Dennis Keith Olsen ("Debtor" or "Movant") in the Maryland court matters.

2. I make this declaration in support of Movant's Motion to Reopen Case to File a Motion for Contempt and Sanctions against SCOTT A. CONWELL, ESQ. and CONWELL LAW, LLC, a Maryland Limited Liability Company, ("Respondents") for violating this Court's September 12, 2016 "*Order Finding Scott A. Conwell, Esq. In Contempt for Violation of the Discharge Injunction and Granting Debtor's Motion for Sanctions*" [Docket #48] ("Motion").

3. On or about August 21, 2015, Movant's bankruptcy attorney, Jason B. Cruz, Esq., ("Cruz") contacted me to review and asses the MD Court matter.

4. On or about August 22, 2015, I entered into a retainer agreement with Movant to represent him in the MD Court matter and file the Answer to the Motion to Enforce Attorney's Liens.

5. On August 25, 2015, I filed a Motion to Dismiss Motion to Enforce Attorney's Lien and a Motion for Attorney Fee's under MD. Rule 1-341. Respondents continued to file motions to attach Movant's exempt assets to collect against discharged debts.

6. On December 8, 2015, the Circuit Court for Anne Arundel County entered its Order Denying the Third-Party Movant Conwell Law LLC's Motion to Enforce Attorney's Liens.

7. On January 7, 2016, Respondents filed a Notice of Appeal ("Appeal") with the Maryland Court of Special Appeals ("COSA"). The Civil Appeal Information Report ("Appeal Report") was filed on January 21, 2016. I referred the matter back to Cruz to enjoin the Appeal and pursue contempt and sanctions against Conwell in the California Bankruptcy Court.

8. On March 4, 2016, Cruz filed a Motion to Reopen Bankruptcy Case for Violation of Discharge Injunction under 11 U.S.C. § 524 (Ch 7) for Contempt and Sanctions Against Scott A. Conwell, Esq. for Violation of the Automatic Stay and Discharge Injunction [Docket #27]

1 ("Original Motion"). The Court reopened the case on March 7, 2016 [Docket #29].


2 9. Movant filed a grievance against Respondents with Maryland State Bar. A hearing
3 is set for March 5-7, 2018.

4 10. Respondents have violated the Original Order – the Appeal was not dismissed, and
5 no payments have been made. There is ample evidence to support this new Motion for Contempt
6 and Sanctions for Violation of the Original Order.

7 The foregoing is stated under penalty of perjury under the laws of the United States of
8 America. If called to testify to the above, I could do so.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct, executed this 5th day of March 2018, in Owings Mills, Maryland.

11 The Law Office of Jeffrey P. Nesson

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13  _____

14 Jeffrey P. Nesson
15 Counsel for Debtor/Movant Dennis Keith Olsen
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
18 E. State Street, Suite 203, Redlands, California 92373

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION FOR ORDER WITHOUT HEARING PURSUANT TO LBR 9013-1(p) or (q)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 03/05/2018, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Jason B Cruz jcruz@jcruzlaw.com
Scott A Conwell scott@conwellusa.com
Marian Garza ecfnofices@ascensioncapitalgroup.com
Marisol A Nagata & Darlene C Vigil cdcaecf@bdfgroup.com
Karl T Anderson (TR) edansie@hotmail.com, kanderson@ecf.epiqsystems.com
United States Trustee (RS) ustpreregion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 03/05/2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Scott A. Conwell, Esq., Conwell Law LLC, 2411 Crofton Lane Suite 2A, Crofton MD 21114
Hon. Meredith A. Jury, 3420 Twelfth Street, Suite 325, Riverside, CA 92501-3819

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* 03/05/2018, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Scott A. Conwell, Esq. scott@conwellusa.com

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

03/05/2018
Date

Jason B. Cruz
Printed Name

/s/ Jason B. Cruz
Signature